



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Work by West Yost & Associates for Ongoing Regulatory Activities at the White Slough Water Pollution Control Facility and Appropriating Funds (\$119,100)

**MEETING DATE:** August 2, 2006

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council adopt a resolution approving work by West Yost & Associates for ongoing regulatory activities at the White Slough Water Pollution Control Facility and appropriating funds as shown below.

**BACKGROUND INFORMATION:** Within the next few months, the Regional Water Quality Control Board will issue a new discharge permit for the White Slough Water Pollution Control Facility. West Yost & Associates has provided similar regulatory assistance on the last permit issued and has developed the new permit application. With the new permit expected to be issued for public review and comment, additional ongoing regulatory assistance is needed. The proposed scope of work includes the following:

- NPDES permit review and comment
- Permit compliance support
- General regulatory assistance
- Project management

Attached is a draft copy of the proposed scope of services detailing the work to be done under this task. The work would be done under a task order approved by the City Manager per the City's master agreement with West Yost.

**FISCAL IMPACT:** The actual cost of this work will depend on what terms and conditions are included in the draft and final permit. However, it is very likely that the permit will be more stringent than our past permit. The permit will likely have conditions that will be costly to implement. Thus, the City needs to be prepared to thoroughly analyze the draft permit and obtain terms that are acceptable.

**FUNDING AVAILABLE:** Wastewater Fund (2004 Wastewater COP)

*Ruby R. Paiste*  
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Ruby Paiste, Interim Finance Director

*Richard C. Prima, Jr.*  
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Richard C. Prima, Jr.  
Public Works Director

Prepared by Rebecca Areida, Management Analyst  
Attachment  
RCP/RA/pmf

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**APPROVED:** *Blair King*  
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Blair King, City Manager

# **PRELIMINARY DRAFT**

July 13, 2006

Mr. Richard C. Prima Jr.

**SUBJECT:** Proposal for Engineering Services—NPDES Permit Adoption Support and ongoing Regulatory Assistance

Dear Mr. Prima,

We appreciate the opportunity to present this letter proposal to you for engineering services related to ongoing assistance to the City of Lodi (City) with respect to compliance with the NPDES permit and Waste Discharge Requirements for the White Slough Water Pollution Control Facility (WPCF). West Yost Associates (WYA) has been providing these services to the City over the last six years. The purpose of this letter proposal is to present the scope of work and budget needed for providing continued assistance over the 2006 through 2007 fiscal year.

As you are aware, it is expected that the Regional Water Quality Control Board (Regional Board) will issue a new NPDES permit within the next few months. Therefore, the proposed scope of work and budget presented herein is intended to cover the efforts needed to assist the City through the adoption process. The scope of work for efforts following permit adoption can only be estimated at this time. However, the scope of work and associated budget presented below are based on a review of the requirements included in the recently issued City of Tracy NPDES permit. Based on discussions with Regional Board staff, it can be expected that the City of Lodi will be required to meet similar requirements.

WYA will continue to rely on support from our legal team at Somach, Simmons, and Dunn to complete work efforts described in this letter.

## **SCOPE OF WORK**

The proposed scope of services includes the following tasks:

- NPDES Permit Review and Comment
- Permit Compliance Support
- General Regulatory Assistance
- Project Management

# PRELIMINARY DRAFT

These tasks are described below. In addition, to ensure continued achievement of consistently high quality work products, and in accordance with the WYA Quality Assurance/Quality Control (QA/QC) policy, a WYA staff member at the Principal Engineer level or higher will provide review of key scope items and significant work products. The scope and budget for this effort has been delineated, as necessary, under the specific tasks listed below.

## **Task 1. NPDES Permit Review and Comment**

It is expected that the Regional Board will first issue an Administrative Draft Permit to the City for review. During this review phase, the City will have an opportunity to raise issues with the Regional Board staff regarding concerns with the permit. It is during this phase that the Regional Board staff will be most willing to make changes to the permit before it is presented to the Board. Therefore, it will be important for the City to provide a thorough review at this stage of the renewal process.

Following issuance of the Administrative Draft Permit, WYA, with support from our legal team and in parallel with City staff, will review the Administrative Draft Permit to help identify issues that the City may wish to address with the Regional Board staff. It is expected that WYA, our legal team, and the City will then hold an internal meeting to discuss these issues. Following this meeting, WYA, in conjunction with support from our legal team, would assist in the preparation of a comment document for submittal to the Regional Board. Following submittal of this document, WYA would provide assistance to the City in negotiations with Regional Board staff. Based on these negotiations, WYA and our legal support team will provide recommendations for further action.

The Regional Board is expected to issue a Tentative Permit following the Administrative Draft Permit review and comment period. The City will have 30 days to issue a formal response document regarding the Tentative Permit. Note, however, that the Regional Board staff is typically less willing to make changes to the permit during this phase. Nevertheless, if the City has concerns with the Tentative Permit that should be addressed by the Regional Board during the adoption process or concerns that should be brought to the attention of the State Water Resources Control Board through an appeal process, these issues must first be raised during the Tentative Permit comment period. Therefore, it will also be important for the City to provide a thorough review of the permit at this stage of the renewal process.

Following issuance of the Tentative Permit, WYA, with support from our legal team and in parallel with City staff, will review the Tentative Permit to determine how the Regional Board addressed the City's comments on the Administrative Draft Permit and identify any outstanding issues. At the conclusion of this review process WYA (with input from our legal team) may recommend that City contest the permit at the Regional Board level and, potentially ultimately to the State Water Resources Control Board. Such an action would be initiated through the City's submission of a formal comment document to the Regional Board. However, even if the City elects to not contest the permit, it may still be desirable for the City to issue a formal comment document such that the City's concerns would be included in the City's legal record in the event that some legal action is warranted in the future.

Therefore, it is proposed that WYA (with input from our legal team) will develop a brief formal comment document to the Regional Board to address any identified issues. It is also expected that WYA, our legal counsel, and the City will hold one internal meeting to discuss these issues.

# PRELIMINARY DRAFT

Based on WYA's experience with other NPDES permits issued by the Central Valley Regional Board, it is not expected that the formal comment document will raise any new issues that were not addressed during the Administrative Draft comment period. Therefore, it is not expected that a meeting with the Regional Board staff will be necessary at this time.

## Anticipated Meetings and Deliverables

- ❖ *Internal Meeting to discuss the Administrative Draft Permit*
- ❖ *Comment letter to the Regional Board staff addressing the identified concerns with the Administrative Draft permit.*
- ❖ *Meeting with the Regional Board to discuss the City's comment letter regarding the Administrative Draft Permit*
- ❖ *Internal Meeting to discuss the Tentative Permit*
- ❖ *Brief formal comment document to the Regional Board addressing the identified concerns with the Tentative Permit (no more than 10 pages)*

## **Task 2. Permit Compliance Support**

Based on the recently issued City of Tracy Tentative Permit, it is expected that the City will be required to submit several work plans in the first six months following adoption of the renewed permit. These work plans would provide an outline and schedule for completion of specific studies required under the permit. The timeline for completion of the studies will likely be at least one year or longer.

This scope of work presented in this proposal is only for development of the work plans, but not the work needed to complete the studies themselves. It is expected that following work plan development, the City and WYA will work together to identify the tasks and budget needed to the complete the studies. Note that some of the required studies may currently be underway.

Based on our experience with studies required by the Regional Board in other permits and our knowledge of the Regional Board staff concerns regarding the WPCF, The studies that could be required under the renewed permit may include, but are not limited to, the following:

1. Method of Compliance Study (Nitrate, Nitrite, Ammonia, and possibly other priority pollutants)
2. Pollution Prevention Plan for Trace Toxics and Other Constituents of Concern
3. WPCF BPTC Salinity Evaluation
4. Receiving Water Electrical Conductivity (EC) Study
5. Receiving Water Temperature Study
6. Receiving Water Dissolved Oxygen Impacts Study
7. Groundwater BPTC Assessment
8. Groundwater Background Water Quality Assessment

# PRELIMINARY DRAFT

9. Title 22 Engineering Report
10. Land Management Plan
11. Biosolids Lagoon Supernatant Alternative Disposal Study
12. Irrigation Area Flood Protection Study

A work plan could potentially be required for each of these studies. The actual number of studies that will be required (and work plans that will need to be developed) is uncertain. Therefore, for purposes of this proposal, it is assumed that **six (6)** work plans will be developed.

Furthermore, it is expected that at least **two (2)** meetings

If additional work plans or compliance assistance is needed beyond this effort, WYA will strive to complete such efforts within the combined budgets presented for Task 2 and Task 3. However, depending on the level of effort required, a scope and budget amendment may be necessary.

## Anticipated Meetings and Deliverables

- ❖ *Six (6) Work plans*
- ❖ *Two (2) internal meetings to discuss work plan submittals*

## **Task 3. General Regulatory Assistance**

In addition the tasks discussed above, it is anticipated that the City will continue to require ongoing assistance related to general regulatory issues. It is difficult to predict the level of effort needed for this task. Over the last year assistance water provided for completion of the following items:

1. Development of a Land Application Spreadsheet Management Tool;
2. Working with the City and the Army Corps of Engineers to identify the benefits of constructing a habitat wetland on the WPCF property that would rely, at least in part, on treated effluent from the WPCF as a supply source;
3. Assistance with determining appropriate requirements for discharge of stormwater from the WPCF property and adjacent properties;
4. Development of a water balance analysis for the existing WPCF storage ponds;
5. Review of permits and other regulatory guidance documents issued by the Regional Board and SWRCB that would be applicable to the Lodi WPCF discharge;
6. Providing assistance to the City, as needed, for developing responses to Regional Board requests;
7. Helping the City to develop monitoring programs to better characterize potential future regulatory concerns;
8. Completing analyses of data collected by the City to identify potential future regulatory concerns; and
9. Attendance and preparation for meetings to discuss the results of such activities outlined above.

# PRELIMINARY DRAFT

As requested by the City, WYA will continue to provide such general regulatory assistance. The work efforts and deliverables under this task cannot reasonably be determined at this time. However, all work will be performed on a time and material basis. For budgeting purposes, it has been assumed that the work efforts under this task will be on a similar order of magnitude as the efforts expended over the 2005-2006 fiscal year. Monthly invoices will detail these efforts. However, depending on the level of effort required, a scope and budget amendment may be necessary.

## Task 4. Project Management

WYA will conduct project management-related activities including general project coordination. Brief descriptions of services performed will be included on monthly invoices.

### Deliverables:

*Monthly invoices with descriptions of services performed*

## PROJECT BUDGET

The total fee for the scope of work described above is estimated to be \$119,100. A breakdown of the project costs is shown in Table 1. WYA will perform all work on an hourly basis at standard company charge rates, and will not exceed the estimated cost without written authorization. If additional budget is required to complete work identified herein as work to be performed by WYA, OSP will be notified before exceeding the authorized budget amount.

**Table 1. Fee Estimate for Proposed Scope of Services <sup>(a)</sup>**

Task	Total Budget, dollars	WYA Budget, dollars	Legal Support Budget, dollars	WYA Staff Hours			
				Project Manager	Principal / Engineering Manager	Staff Engineer	Admin
NPDES Permit Review and Comment	35,100	29,600	5,500	140	40	0	20
Permit Compliance Support	33,100	33,100	0	80	30	120	24
General Regulatory Assistance	43,100	40,900	2,200	120	40	120	24
Project Management	7,800	7,800	0	40	10	0	0
Totals	119,100	111,400	7,700	380	120	240	68

(a). Hours and dollars shown are subject to redistribution among project task to meet the overall project needs.

# **PRELIMINARY DRAFT**

## **SCHEDULE**

The proposed scope of services will occur over the 2006-2007 fiscal year, and will coincide with the City's NPDES permit renewal process. Project work will begin with a notice to proceed from City. WYA will provide additional services related to the studies needed under the renewed permit, subject to mutually agreeable adjustments to the scope, authorized budget, and schedule.

WYA appreciates the opportunity to provide professional services to the City. Please contact me if you have any questions or need additional information.

Sincerely,

WEST YOST & ASSOCIATES

RESOLUTION NO. 2006-148

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
WORK BY WEST YOST & ASSOCIATES FOR ONGOING  
REGULATORY ACTIVITIES AT THE WHITE SLOUGH WATER  
POLLUTION CONTROL FACILITY, AND FURTHER  
APPROPRIATING FUNDS FOR THE PROJECT

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WHEREAS, the Regional Water Quality Control Board will soon issue a new discharge permit for the White Slough Water Pollution Control Facility; and

WHEREAS, West Yost & Associates has provided similar regulatory assistance on the last permit issued and has developed the new permit application; and

WHEREAS, with the new permit expected to be issued for public review and comment, additional ongoing regulatory assistance is needed. The proposed scope of work includes the following:

- National Pollutant Discharge Elimination System permit review and comment
- Permit compliance support
- General regulatory assistance
- Project management

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute an additional professional services task order for White Slough Water Pollution Control Facility discharge permit compliance activities; and

BE IT FURTHER RESOLVED that funds in the amount of \$119,100.00 be appropriated from the Wastewater Fund (2004 Wastewater Certificates of Participation) for this project.

Dated: August 2, 2006

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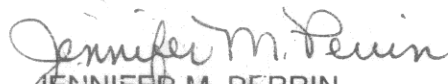
I hereby certify that Resolution No. 2006-148 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 2, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce,  
and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
JENNIFER M. PERRIN  
Interim City Clerk